

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARIA WHISNANT,

Plaintiff,

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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Case No. 13-11894

HON. TERRENCE G. BERG

HON. CHARLES E. BINDER

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the court on Magistrate Judge Charles E. Binder's April 17, 2014 Report and Recommendation (Dkt. 13), recommending that Plaintiff's Motion for Summary Judgment (Dkt. 8) be GRANTED, that Defendant's Motion for Summary Judgment (Dkt. 12) be DENIED, and that the case be REMANDED to the Commissioner for further proceedings, pursuant to sentence four of 42 U.S.C. § 405(g).

The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52

(1985). Nevertheless, the Court has carefully reviewed Magistrate Judge Binder's Report and Recommendation of April 17, 2014.

The Report & Recommendation is hereby **ACCEPTED** and **ADOPTED** as this Court's findings of fact and conclusions of law.

Accordingly, Plaintiff's Motion for Summary Judgment (Dkt. 8) is **GRANTED**, Defendant's Motion for Summary Judgment (Dkt. 12) is **DENIED**, and the case is **REMANDED** to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g), for further development of the administrative record, including the acquisition of vocational expert opinion evidence.

**SO ORDERED.**

Dated: May 15, 2014

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

### **Certificate of Service**

I hereby certify that this Order was electronically submitted on May 15, 2014, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb  
Case Manager